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Of Attorneys for Defendants Playboy  
Enterprises International, Inc., and Michael Gross

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**LEONARD D. DUBOFF,**

Plaintiff,

No. 06-CV-358-HA

v.

**PLAYBOY ENTERPRISES  
INTERNATIONAL, INC., a Delaware  
Corporation, and MICHAEL GROSS, an  
individual,**

**DEFENDANTS' MOTION FOR  
ATTORNEY FEES AND COSTS**

Defendants.

**L.R. 7.1(a)(1)(A) CERTIFICATION OF COUNSEL**

Pursuant to LR 7.1(a)(1)(A), counsel for defendants certify that they conferred via telephone with Bert P. Krages II, counsel for plaintiff, in good faith in an effort to resolve any disputes presented by this motion, but were unable to do so.

**MOTION**

Defendants move the Court to enter a supplemental money judgment awarding defendants reasonable attorney fees and costs incurred in this action pursuant to the Court's June 28, 2007 Judgment of Dismissal, and pursuant to LR 54.1, LR 54.3 and ORS 31.152(3).

Defendants are entitled to fees and costs because the Court's dismissal of this action was based

on ORS 31.150. ORS 31.152(3) states that “A defendant who prevails on a special motion to strike made under ORS 31.150 shall be awarded reasonable fees and costs . . . .” Reasonable fees and costs are broken down as follows: (1) attorney fees of \$16,383, which includes \$15,473 incurred by defendants as fees paid to Dunn Carney Allen Higgins & Tongue in defending this action, plus \$910 in fees for preparation of this motion, supporting legal memorandum, Bill of Costs and supporting affidavit; and (2) costs of \$130.11; for a total of \$16,513.11.

Defendants’ attorney fees and costs are detailed in the client invoices attached as an exhibit to the Affidavit of David P. Rossmiller. Costs are also included in a separate Bill of Costs. Only those costs allowed under 28 USC § 1920 are claimed. Defendants are mindful that the Court disqualified defendants’ prior counsel, Davis Wright Tremaine, and no costs or fees incurred by that firm are claimed in this motion.

DATED this 12<sup>th</sup> day of July, 2007.

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

/s/ David P. Rossmiller

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